

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

July 5, 2016
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Pro Tempore Ron Christianson. Members present on a roll call were Mayor Pro Tempore Ron Christianson, Council Members Audrey Nelsen, Steve Ahmann, Denis Anderson, Rick Fagerlie, Shawn Mueske, Andrew Plowman, and Tim Johnson. Excused from the meeting was Mayor Marv Calvin. Present 8, Absent 1.

Also present were City Administrator Larry Kruse, City Clerk-Treasurer Kevin Halliday, Police Chief Jim Felt, Fire Chief Frank Hanson, Planning and Development Services Director Bruce Peterson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Anderson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of June 20, Willmar Municipal Utilities Board Minutes of June 27, Accounts Payable Report through June 29, Willmar Area Lakes CVB Minutes of May 17, Community Education and Recreation Minutes of June 24 and the Building Inspection Report for June, 2016. Council Member Ahmann seconded the motion, which carried.

At 7:01 p.m. Mayor Pro Tempore Christianson opened the Hearing for the consideration of an Ordinance Amending the Zoning Ordinance Allowing Electronic Reader Boards in Residential Areas. Planning and Development Services Director Bruce Peterson informed the Council that pursuant to the requests of several places of worship, the Planning Commission acted on the request to consider electronic reader boards in residential districts. After significant review of their options, the Commission and staff are recommending approval of the zoning ordinance amendment allowing electronic signs but limiting their illumination to 6 a.m. to 10 p.m. There being no one present to speak for or against the ordinance, Mayor Pro Tempore Christianson closed the hearing at 7:03 p.m. The Council discussed the time limitations and intensity of the lighting which Planning and Development Services Director Peterson stated will be monitored by staff.

Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of the Ordinance Amending the Zoning Ordinance Allowing Electronic Reader Boards in Residential Areas. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:07 p.m. Mayor Pro Tempore Christianson opened the Hearing for the consideration of an Ordinance Amending the Municipal Code Chapter 3, Alcoholic Beverage. City Clerk-Treasurer Kevin Halliday presented the Ordinance which amends Chapter 3, Section 3-5, Alcoholic beverages to expand the type of events at the Civic Center Arena at which intoxicating beverages can be sold. The amendment adds conference or social affairs to include concerts and athletic events at which the participants eligibility is not limited to persons 18 years of age or younger. The proposed amendments allow freedom to meet current needs for successful social events and will also remove the barrier to the junior hockey team from selling alcohol all season long. There being no one present to speak for or against the ordinance, Mayor Pro Tempore Christianson closed the hearing at 7:10 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Amending the Municipal Code Chapter 3, Alcoholic Beverage. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1, with Council Member Ahmann casting the "no" vote.

There were no requests to speak during the Open Forum.

Mayor Pro Tempore Christianson recognized Janene Felt, Project Coordinator for the West Central Dementia Awareness Network which is a Kandiyohi County-based organization which started in 2009 as a volunteer group of area service providers. Ms. Felt shared the outreach efforts and the West Central Dementia Awareness Network's upcoming educational events and noted dementia statistics for the United States and the State of Minnesota. The Council thanked Ms. Felt for her presentation and the WCDAN group for their community efforts.

Pat Curry, Chairman of the Airport Commission, came before the Council and gave a brief history of Willmar's Municipal Airport initiated by John and Mary Jane Rice in 1945 with a grass runway that eventually became paved in 1958. In 1979 they sold the Mooney dealership to Bruce Jaeger (their son-in-law) who continued the service and eventually on September 5, 2006 the first airplane legally landed in the new airport. The F-14 Tomcat was delivered and put on display in 2007, which is proposed to be painted in the near future. In 2008 Bruce Jaeger sold the business to Maximum Cruise. Mr. Curry praised City Planner/Airport Manager Megan DeSchepper and Airport Operations Supervisor Eric Rudningen. At this time he distributed hats to each member of the City Council and Department Directors promoting the 10th Anniversary, which will be held on Sunday, September 4th from 10 a.m. to 3 p.m. with a meal served by the Boy Scouts of smoked sausages donated by Jennie-O Turkey Store. There will be live music and drawings for free airplane rides along with drones on display/demonstration. Mr. Curry inquired as to this day being proclaimed as a special day in honor of Mary Jane Rice and the use of a shuttle service from City limits.

The Finance Committee Report for June 27, 2016 was presented to the Mayor and Council by Council Member Anderson. There were five items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 Staff presented to the Committee, per the recent Purchasing Policy adopted by the Council, a request to purchase four 2017 Ford Police Interceptor Squad Cars as scheduled in the 2016 Budget which includes the purchase of four new police squads in the amount of \$160,007 per the Vehicle Replacement Program. The estimated cost to purchase these four vehicles is \$110,070. It was noted that additional expenditures for these new squads will need to be incurred for outfitting, marketing and upgrading vehicle equipment which is expected to be about \$35,000. Some transferrable equipment has already been purchased for them as well as three out of the four needed thermal imaging cameras.

The Committee was recommending the Council approve the purchase request of four 2017 Ford Police Interceptor Squad Cars to include complete outfitting for an estimated cost of \$145,070. Council Member Anderson moved the recommendation of the Committee. Council Member Fagerlie seconded the motion, which carried.

Item No. 3 Staff reported to the Committee that a request has been received to write off a portion of special assessments against the property at Lot 2, Block 1 of Oslo Meadows (parcel 95-604-0020) because it is believed that it is an unbuildable lot. After the assessments were incurred, this property underwent forfeiture to the State of Minnesota. Normally when a property goes through forfeiture, the County Board sets a price on the property equal to the special assessments outstanding. For this particular property, the special assessments total \$11,628.96 however the County established the purchase price at \$8,147.27 leaving a gap of \$3,481.69 in unpaid special assessments.

Bob Bonawitz explained that the abutting neighbors on each side of Lot 2, Block 1 of Oslo Meadows (parcel 95-604-0020) would like to buy the lot which they deem unbuildable with the recorded drainage easement on the south side because of what they believe is an apparent platting error. The neighbors would like to limit their investment to the County set price of \$8,147.27. They are petitioning the Council to forego the balance of \$3,481.69.

Staff challenged the unbuildable concept and asked the Engineering Department to lay out the buildable dimensions which were presented to the Committee. It was noted that a local developer builds housing units within the lot dimensions currently. Staff believed this property to be a valid buildable lot and the staff recommendation is not to write off the additional special assessments.

Following discussion, Council Member Mueske requested to view the covenants in Oslo Meadows to find out if this lot would be buildable under their covenants previous to writing off the remaining special assessments of \$3,481.69, and will be brought back to Committee at a later date. The Council received this for information only.

Item No. 4 Staff updated the Committee regarding the 'transition out' of the current Airport Fixed Base Operator (FBO). The City had met and was working with the FBO on a plan for transitioning out since the Council voted to terminate the agreement on June 6, 2016. This transition plan would allow time for the City to take on the fuel system, compile and go through the FBO Request for Proposals (RFP) process, and to cover other services and needs at the airport. On June 22, 2016, the FBO contacted the City that they were no longer able to supply fuel during this transition phase and that the City would need to take over fueling. Staff met with the FBO and hand delivered the termination letter listing July 15, 2016, as the date to fully vacate the City-owned FBO Hangar. The City will need to buy out the fuel inventory that the former FBO, Brian Negen, had remaining. Staff contacted Dooley's Petroleum and had fuel delivered June 24, 2016. Staff has been working on establishing credit card services, etc., for airport users. It was noted that during this time of transition there may be intermittent delays or issues as users' PINS for the fueling facilities will have to be redone and some point of sale transactions may need to occur until the new system is installed and fully functional. The City will do its utmost to provide fuel service to the users and will rely greatly on the Airport Operations Supervisor (Eric's Aviation Service). Some services will simply not be available during this transition. City staff plans on sending out the FBO RFP the week of June 27, 2016. Signage will be posted at the airport for users to be aware of the transition, new contact numbers, and request for patience and understanding as this process evolves. This matter was received by the Council for information only.

Item No. 5 Staff presented to the Committee the Fund Balance Policy for their review. Cash and Investment Balances were provided, noting some of the usage restrictions. When Rice Hospital went through their expansion several years ago, the City became the trustee for their debt service account requirements which is roughly \$5,000,000 of the City's portfolio. The Hospital has approximately \$43,000,000 in outstanding debt. Additionally, the Hospital remits a monthly payment to the City that is earmarked for payment of this debt. By establishing itself as the trustee of the Hospital's debt service, it reassured Moody's rating agency that the City would know on a monthly basis if the Hospital could not maintain their debt reserve requirements.

Another fund with a cash usage restriction is the Waste Water Treatment Facility (WWTF) which accounts for approximately \$12,000,000 of the City's portfolio. Of that amount, \$2,000,000 is earmarked for current construction projects. The current outstanding debt obligation for the WWTF is approximately \$73,000,000 for which there are debt service requirements that include maintenance of funding levels for payment management.

Staff also mentioned that the City Charter allows for an emergency fund balance to be established in the General Fund. The Council has taken the position to require 10% of the current operating budget for two years. At this time, there is a total of \$2.6 million dollars in the emergency fund balance. It was noted that the Fund Balance Policy that was provided to the Committee discusses this information as well as cash flow and established insurance reserves. This matter was received by the Council for information only.

The Finance Committee Report for June 27, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie.

Council Member Plowman presented an inquiry as to the additional duties outside of the contract for Eric Rudningen; owner of Eric's Aviation Services during the time of transition and if there needs to be a plan

in place for compensation in case it is requested. This matter will be discussed at a future Community Development Committee meeting.

The Labor Relations Committee Report for June 29, 2016 was presented to the Mayor Pro Tempore and Council by Council Member Ahmann. There were three items for consideration.

Item No. 1 Carol Laumer, Chair of the Labor Relations Committee of the Willmar Municipal Utilities, updated the Committee on the status of the process to replace General Manager Wes Hompe who is retiring in July. The WMU has contracted with David Drown and Associates to assist with the search. The question was raised by the Committee if there were any changes to the job description and Ms. Laumer indicated there were not and if the Council has any questions to contact her.

Item No. 2 City Administrator Larry Kruse presented the information related to the Committee's request to receive various job descriptions within the City that perform human resource functions. Kruse overviewed the three options and asked the Committee for a recommendation to come before the Council for approval of both the Human Resource Director and City Clerk job descriptions to enable them to be scored for compensation and advertised.

The Committee compared the two Human Resource Director job descriptions submitted by Springsted and Administrator Kruse. It was noted the City Clerk position is required by State Statute and City Charter. Administrator Kruse stated that once the Human Resources Director position is established, the HR duties will be transferred over and the treasurer duties will transfer to the Finance Department with the City Clerk being more of a "traditional" Clerk. City Administrator Kruse recommended the Committee approve the Human Resource job description prepared by staff and the more "traditional" City Clerk and proceed with scoring for compensation and advertising.

The Committee was recommending the Council approve the Human Resource Director, City Clerk and Finance Director job description and further to proceed with scoring for compensation, advertising and filling the Human Resource Director and City Clerk positions. Council Member Ahmann moved the recommendation of the Committee. Council Member Anderson seconded the motion, which carried.

Item No. 3 City Administrator Kruse requested the Committee consider establishing the position and job description of Permit Technician/Stormwater Compliance Officer. Kruse stated that with the elimination of the Assessing Department, it was the City's goal to assist assessing staff in transitioning to the County Assessing Department, yet none of the three appraisers ended up accepting the County's employment offers. Effective July 5, 2016, Judy Thompson, who has chosen to bump the current Permit Technician position, will begin job training for this position.

City Administrator Kruse informed the Committee City staff has been exploring the possibility of creating a stormwater compliance position and currently the MS4 Stormwater responsibilities for municipal construction projects falls under the Environmental Specialist, yet there is a gap in our system related to private development and insuring compliance with stormwater regulations. It was reported the City has been written up two times in the past week for violations. Staff is proposing the stormwater compliance portion of the position for the remainder of the year would be two-thirds with the remainder of the time assisting the Planning and Development Department and also filling in for a maternity leave from January through April, along with scanning of documents into the new document imaging system. Funding for the position is from the unfilled Engineering Technician for 2016 and from the maternity leave.

Both Planning and Development Services Director Bruce Peterson and Public Works Director Sean Christensen addressed the Committee and answered questions. Public Works Director Christensen spoke of this preventing the domino effect in the bumping process and the prevention of inefficiencies in job expertise due to loss of years of training.

Members of the Committee raised questions of staff and it was their consensus that this item be

placed on the next Labor Relations agenda with staff providing additional information such as the cost benefit of the position, more rationale, training costs and a more detailed job description. This item was received by the Council for information only.

The Labor Relations Committee Report for June 29, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Anderson. Discussion was held in relation to the overall staffing needs of the City and how the Council will address these areas. The motion carried to file the minutes.

The Community Development Committee Report for June 30, 2016 was presented to the Mayor Pro Tempore and Council by Council Member Ahmann. There were three items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Staff presented information about recent Legislation that would allow local governments to permit certain types of recreational vehicles as temporary family health care dwellings. The law was created to allow transitional housing for seniors. The law allows for broader use in that anyone who needs assistance with two or more instrumental activities of daily life for mental or physical reasons would be eligible to be housed in one of the structures. The League of Minnesota Cities has created a document that spells out the options for cities. A city is either required to adopt an ordinance to opt out of the legislation (this must be done by September 1, 2016) or option number two applies, which is the automatic approval of the legislation at the local level.

The Committee discussed potential land use issues and issues with the types and quality of the dwelling units allowed. Staff recommended that the matter be referred to the Planning Commission for review. The Committee was recommending the Council initiate the process to adopt an ordinance to opt out of the legislation, and to refer the matter to the Planning Commission to consider alternatives for accessory dwelling units. Council Member Fagerlie moved the recommendation of the Committee. Council Member Johnson seconded the motion, which carried. Council Member Fagerlie made a motion to set a public hearing for July 18, 2016 to consider the ordinance. Council Member Nelsen seconded the motion, which carried.

Item No. 3 Staff presented a request to adjust the residential plan review fee from 40% to 65%. When fees were last adjusted in 1998, it was decided that all plan review fees would be set at 65% to be consistent with the Building Code. Sometime after that, in response to residential construction conditions, the fee was reduced to 40% of the permit cost. That was done with the understanding that it would be increased to 50% the following year and 65% the year after that. The Council never took any action to make those adjustments even though it was discussed on several occasions. Kandiyohi County currently charges 65% for all plan reviews, whether residential, commercial, or industrial. Staff was requesting that the plan review fee be adjusted to 65% to be consistent with the County and with the Building Code. The LOGIS software the City is currently using was written to reflect a 65% plan review fee and to use the City's 40% fee requires special software changes or manual entries. The Committee was of the consensus that the City should be consistent with the County.

It was the recommendation of the Committee to the Council that the City adjust its residential plan review to 65% to be consistent with Kandiyohi County. Council Member Fagerlie moved the recommendation of the Committee. Council Member Nelsen seconded the motion. Council Member Christianson commented that raising a fee just to be consistent with Kandiyohi County has nothing to do with the cost for the services and makes no sense. Council Member Nelsen asked Planning and Development Services Director Bruce Peterson to speak in regard to costs and what the Building Code calls for. Following further discussion Council Member Nelsen made a motion to table this item and send it back to the Community Development Committee for additional information and fee reviews. Council Member Johnson seconded the motion to table, which carried.

Item No. 5 The Committee briefly discussed the status of: House demolitions as previously ordered, the Hobby Lobby project, the wye rail project and the transitions at the Willmar Municipal Airport. The Council received this for information only.

Item No. 6 Staff presented a request from the University of Minnesota and Minnesota Board of Animal Health to use a portion of the Community Center property for parking to serve the adjacent expanded poultry lab. Under the proposal, all work would be performed at the expense of the University of Minnesota/Minnesota Board of Animal Health. All design and construction would have to meet City standards and the work would be inspected by City staff. City staff met the parties at the site and determined several areas that could function for the required parking. It was a recommendation of staff that the City proceed with a use agreement to create the additional parking.

The Committee was recommending the Council authorize the City to proceed with a license agreement for the use of the property and to authorize the necessary signatures on the license agreement. Council Member Fagerlie moved the recommendation of the Committee approving the license agreement. Council Member Nelsen seconded the motion, which carried.

The Community Development Committee Report for June 30, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Mueske.

City Administrator Larry Kruse stated the City would like to formally thank the people and organizations who have made donations to the City from January 1, 2016 through June 30, 2016 and announced each name, donation and designated use.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Mueske, reviewed by Mayor Pro Tempore Christianson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, the City of Willmar has received numerous donations which have been acknowledged by the City Administrator expressing the community's appreciation for the time period of January 1, 2016 – June 30, 2016

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota that the City formally accept the donations as listed below:

Robert Haines	\$ 100.00	Selvig Park
Willmar Baseball Boosters	\$ 745.00	Pitching Mounds
WBFBA Tournament Account	\$ 745.00	Pitching Mounds
Marvin Calvin	\$ 100.00	Selvig Park
Willmar Hockey Association	\$1,000.00	Hockey Equipment
Matt Dawson	\$ 52.00	Hockey Equipment
Willmar Baseball Boosters	\$1,283.50	Concrete – Batting Cage
Willmar Fests Inc.	\$ 500.00	Selvig Park
KC Dog	\$ 798.86	Concrete – Dog Park

Dated this 5th day of July, 2016.

/s/ Ron Christianson
Mayor Pro Tempore

/s/ Kevin Halliday
Attest: City Clerk

City Clerk Treasurer Kevin Halliday presented a request from the 100 Yard Club, Inc. to move their pull tab, premise permit gambling operation from Pep's Sports Bar over to Ruff's Wings & Sports Bar, which currently allows the New London-Spicer Booster Club pull tabs on site. State law allows more than one premise permit per location. It is staff's recommendation to approve the second Premise Permit at Ruff's Wings & Sports Bar.

Resolution No. 2 was introduced by Council Member Mueske, seconded by Council Member Johnson, reviewed by Mayor Pro Tempore Christianson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

REQUESTING THAT THE MINNESOTA GAMBLING
CONTROL BOARD APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE NEW LONDON-SPICER BOOSTER CLUB

WHEREAS, the 100 Yard Club, Inc. has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Ruff's Wings & Sports Bar, 2100 Hwy 12 SE, Suite 2, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the 100 Yard Club, Inc. and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the 100 Yard Club, Inc.

Dated this 5th day of July, 2016.

/s/ Ron Christianson
Mayor Pro Tempore

/s/ Kevin Halliday
Attest: City Clerk

City Clerk-Treasurer Kevin Halliday presented a resolution appointing election judges for the Primary Election on August 9, 2016. In accordance with Minnesota Statutes, it is necessary to officially appoint the judges, and that at least two in each precinct must be affiliated with different political parties.

Resolution No. 3 was introduced by Council Member Fagerlie, seconded by Council Member Anderson, reviewed by Mayor Pro Tempore Christianson, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED, that the individuals listed below be appointed as Judges to work at the Primary Election in the City of Willmar on Tuesday, August 9, 2016:

WARD ONE

Precinct One:

Pat Morse, Co-Head Judge
Cheryl Retrum, Co-Head Judge
Shirley Rolffs
Tina Harried
Kent Skoglund
Wallis Klause

Precinct Two:

Ramona Berg-Perry, Co-Head Judge
Ardell Engwall, Co-Head Judge
Carol Wegner, Assistant Head Judge
Samuela Heyer

		Darlene Estwick
	Precinct Three:	Eugene Kerfeld, Co-Head Judge Lynn Shuldes, Co-Head Judge George Christensen Evelyn Paulson JoAnn Jagt Shelley Hedlund
WARD TWO	Precinct One:	Mary Louise Wallin, Co-Head Judge Helen Behrends, Co-Head Judge Karen Stern, Assistant Head Judge James Buisman Millicent Larsen George Berg
	Precinct Two:	Dan Reigstad, Head Judge James Halverson, Assistant Head Judge Sharon Cruze, Assistant Head Judge Patrick Curry Linda Dilly Clara DeRonde
	Precinct Three:	Donna Hillenbrand, Co-Head Judge Duane Bock, Co-Head Judge A. Marilyn Hanson Mary Lorentzen Mary Catherwood Shirley Ringness
WARD THREE	Precinct One:	Nancy Snyder, Co-Head Judge Sally McAdams, Co-Head Judge Susan Schiro G. Richard Huesing Nancy Chamberlain Kathryn Halldin
	Precinct Two:	Julie Rote, Co-Head Judge Carol Laumer, Co-Head Judge Diane Plowman Marlene Vossen Barbara Borene
	Precinct Three:	LeAnn Griepentrog, Head Judge Sonja Duruji, Assistant Head Judge Janice Crackel, Assistant Head Judge Joan Kuhn Arend Jagt Susan Thorson Don Thompson
WARD FOUR	Precinct One:	David Rogers, Co-Head Judge Susan Brauchler, Co-Head Judge Joan Gleasman

